	~ /NEH/)
UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK	DOCUMENT ELECTRONICALLY FILED DOC #:
ARCH INSURANCE COMPANY)	DATE FILED: 7/1/08
Plaintiff,	
v.)	No. 08-CIV-5252 (GEL)
JOHN D. AGOGLIA, et al.	
Defendants.	

STIPULATED ORDER FOR AN EXTENSION OF TIME FOR SPECIFIED DEFENDANTS TO FILE AN ANSWER TO PLAINTIFF'S FIRST AMENDED COMPLAINT

Plaintiff Arch Insurance Company ("Arch") and Defendants John D. Agoglia, Leo Breitman, Nathan Gantcher, Tone Grant, David V. Harkins, Scott L. Jacckel, Dennis A. Klejna, Thomas H. Lee, Peter McCarthy, Joseph Murphy, Frank Mutterer, Richard N. Outridge, Ronald O'Kelley, Scott A. Schoen, William M. Sexton, Gerald Sherer and Philip Silverman (collectively, the "Specified Defendants") jointly file this Stipulated Order for an Extension of Time for Specified Defendants to Answer Plaintiff's First Amended Complaint for Declaratory Judgment.

WHEREAS, on February 22, 2008, Arch filed a First Amended Complaint for Declaratory Judgment ("FAC") in the action captioned Arch Insurance Company v. Agoglia, et al., Index No. 08/600029 (Supreme Court, New York County, New York), which named as defendants, among others, the Specified Defendants and Eric G. Lipoff ("Lipoff");

WHEREAS, on April 28, 2008, the Specified Defendants responded to the FAC by filing a motion to dismiss or stay Arch's action (the "State Court Motion to Dismiss") pursuant to Rules 2201 and 3211(a)(4) of the New York Civil Practice Law and Rules in favor of a separate action in this Court against Arch - Murphy, et al. v. Allied World Assurance Company, et al., Case No. 08-CIV-4196 (GEL) (S.D.N.Y.) - which Arch opposed on May 8, 2008:

Document 12

WHEREAS, on June 9, 2008, prior to a ruling on the State Court Motion to Dismiss, Lipoff removed Arch's entire action to this Court pursuant to 28 U.S.C. § 1452;

WHEREAS, neither Arch nor the Specified Defendants intend to file a motion to remand the case pursuant to 28 U.S.C. § 1447(c).

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, who have been duly authorized by Arch and the Specified Defendants to enter into this Stipulation, as follows:

- 1. Arch and the Specified Defendants will not file a motion to remand this action to the New York State Supreme Court;
 - The Specified Defendants withdraw the State Court Motion to Dismiss; 2.
- 3. The Specified Defendants' time to file an Answer to the FAC is extended to and including July 28, 2008; and
- 4. The Specified Defendants will not take any action before July 28, 2008 to seek payment of defense costs from Arch, whether by injunction or otherwise.

Date:	June 2 2008	Respectfully submitted,
D	10.00	Pur Others
Ву:	Helen B. Kim (HK-8757)	By: John H. Eickemeyer (JE-8302)
	KATTEN MUCHIN ROSENMAN LLP	Daniel C. Green (DG-0059)
		Vedder Price P.C.
	2029 Century Park East, Ste. 2600	
	Los Angeles, CA 90067	1633 Broadway, 47th Floor
	(310) 788-4525	New York, New York 10019
	DETERMINE	(212) 407-7700
•	Philip A. Nemecek (PN-3319)	D-1-1-1-04
	KATTEN MUCHIN ROSENMAN LLP	Daniel J. Standish (pro hac pending)
	575 Madison Avenue	Marc E. Rindner (pro hac pending)
	New York, NY 10022-2585	Cara Tseng Duffield (pro hac pending)
	(212) 940-8834	WILEY REIN LLP
		1776 K Street, NW
	Attorneys for Dennis A. Klejna	Washington, DC 20006
		(202) 719-7000
		Attorneys for Arch Insurance Co.
Ву:		Ву:
_,,	Richard Cashman (RC-4769)	Stuart I. Friedman (SF-9186)
	HELLER EHRMAN LLP	Ivan Kline (IK-9591)
	7 Times Square	FRIEDMAN & WITTENSTEIN, P.C.
	New York, NY 10036-6524	600 Lexington Avenue
	(212) 847-8796	New York, NY 10022
		(212) 750-8700
	Attorneys for Philip Silverman	Attorneys for William M. Sexton and Gerald M. Sherer
Ву:		Ву:
Dy.	John J. Jerome (JJ-2413)	Claire P. Gutekunst
	SAUL EWING LLP	Proskauer Rose LLP
	245 Park Avenue, 24th Floor	1585 Broadway
	New York, NY 10167	New York, NY 10036-8299
	(212) 672-1996	(212) 969-3421
	(212) 012-1770	(212) 303-3721
	Attorneys for Joseph Murphy	Attorneys for Richard N. Outridge

(212) 969-3421

Attorneys for Richard N. Outridge

(212) 672-1996

Attorneys for Joseph Murphy

Date:	June, 2008	Respe	ctfully submitted,
Ву:		By:	
	Helen B. Kim (HK-8757)		John H. Eickemeyer (JE-8302)
	KATTEN MUCHIN ROSENMAN LLP		Daniel C. Green (DG-0059)
	2029 Century Park East, Ste. 2600		VEDDER PRICE P.C.
	Los Angeles, CA 90067		1633 Broadway, 47th Floor
	(310) 788-4525		New York, New York 10019 (212) 407-7700
	Philip A. Nemecek (PN-3319)		
	KATTEN MUCHIN ROSENMAN LLP		Daniel J. Standish (pro hac pending)
	575 Madison Avenue		Marc E. Rindner (pro hac pending)
	New York, NY 10022-2585		Cara Tseng Duffield (pro hac pending)
	(212) 940-8834		WILEY REIN LLP
	•		1776 K Street, NW
	Attorneys for Dennis A. Klejna		Washington, DC 20006
			(202) 719-7000
D		D	Attorneys for Arch Insurance Co.
By:	Dishard Coshara (DC 4760)	By:	Street I Erichan (SE 0186)
	Richard Cashman (RC-4769) HELLER EHRMAN LLP		Stuart I. Friedman (SF-9186) Ivan Kline (IK-9591)
			, ,
	7 Times Square		FRIEDMAN & WITTENSTEIN, P.C.
	New York, NY 10036-6524		600 Lexington Avenue
	(212) 847-8796		New York, NY 10022
			(212) 750-8700
	Attorneys for Philip Silverman		Attorneys for William M, Sexton and Gerald M, Sherer
			Gordina Ma. Drier Gr
By:		By:	
•	John J. Jerome (JJ-2413)	·	Claire P. Gutekunst
	SAUL EWING LLP		PROSKAUER ROSE LLP
	245 Park Avenue, 24th Floor		1585 Broadway
	New York, NY 10167		New York, NY 10036-8299
	(212) 672-1996		(212) 969-3421
	Attorneys for Joseph Murphy		Attorneys for Richard N. Outridge

Date:	June, 2008	Respect	tfully submitted,
Ву:	<u> </u>	By:	
•	Helen B. Kim (HK-8757)	-	John H. Eickemeyer (JE-8302)
	KATTEN MUCHIN ROSENMAN LLP		Daniel C. Green (DG-0059)
	2029 Century Park East, Ste. 2600		VEDDER PRICE P.C.
	Los Angeles, CA 90067		1633 Broadway, 47th Floor
	(310) 788-4525		New York, New York 10019
			(212) 407-7700
	Philip A. Nemecek (PN-3319)		
	KATTEN MUCHIN ROSENMAN LLP		Daniel J. Standish (pro hac pending)
	575 Madison Avenue		Marc E. Rindner (pro hac pending)
	New York, NY 10022-2585		Cara Tseng Duffield (pro hac pending)
	(212) 940-8834		WILEY REIN LLP
			1776 K Street, NW
	Attorneys for Dennis A. Klejna		Washington, DC 20006
			(202) 719-7000
			Attorneys for Arch Insurance Co.
Ву:		By:	
25,1	Richard Cashman (RC-4769)	٠,٠	Stuart I. Friedman (SF-9186)
	HELLER EHRMAN LLP		Ivan Kline (IK-9591)
	7 Times Square		FRIEDMAN & WITTENSTEIN, P.C.
	New York, NY 10036-6524		600 Lexington Avenue
	(212) 847-8796		New York, NY 10022
			(212) 750-8700
	Attorneys for Philip Silverman		Attorneys for William M. Sexton and
			Gerald M. Sherer
	1 11/11		
By:	woth the	By:	
•	John J. Jerome (JJ-2413)	_	Claire P. Gutekunst
	SAUL EWING LLP		PROSKAUER ROSE LLP
	245 Park Avenue, 24th Floor		1585 Broadway
	New York, NY 10167		New York, NY 10036-8299
	(212) 672-1996		(212) 969-3421
	Attorneys for Joseph Murphy		Attorneys for Richard N. Outridge

Date:	June, 2008	Respec	tfully submitted,
Ву:	Helen B. Kim (HK-8757) KATTEN MUCHIN ROSENMAN LLP 2029 Century Park East, Ste. 2600 Los Angeles, CA 90067 (310) 788-4525	Ву:	John H. Eickemeyer (JE-8302) Daniel C. Green (DG-0059) VEDDER PRICE P.C. 1633 Broadway, 47th Floor New York, New York 10019 (212) 407-7700
	Philip A. Nemecek (PN-3319) KATTEN MUCHIN ROSENMAN LLP 575 Madison Avenue New York, NY 10022-2585 (212) 940-8834 Attorneys for Dennis A. Klejna		Daniel J. Standish (pro hac pending) Marc E. Rindner (pro hac pending) Cara Tseng Duffield (pro hac pending) WILEY REIN LLP 1776 K Street, NW Washington, DC 20006 (202) 719-7000
			Attorneys for Arch Insurance Co.
Ву:	Richard Cashman (RC-4769) HELLER EHRMAN LLP 7 Times Square New York, NY 10036-6524 (212) 847-8796	Ву:	Stuart I. Friedman (SF-9186) Ivan Kline (IK-9591) FRIEDMAN & WITTENSTEIN, P.C. 600 Lexington Avenue New York, NY 10022 (212) 750-8700
	Attorneys for Philip Silverman		Attorneys for William M. Sexton and Gerald M. Sherer
Ву:	John J. Jerome (JJ-2413) SAUL EWING LLP 245 Park Avenue, 24th Floor New York, NY 10167 (212) 672-1996	Ву:	Claire P. Gutekunst (CG-0117) PROSKAUER ROSE LLP 1585 Broadway New York, NY 10036-8299 (212) 969-3421
	Attorneys for Joseph Murphy		Attorneys for Richard N. Outridge

By:	Zen	Ву:	
-,	Norman L. Eisen (NE-1198)	, .	Greg A. Danilow (GD-1621)
	Laura E. Neish (LN-0040)		Michael F. Walsh (MW-8000)
	ZUCKERMAN SPAEDER LLP		WEIL, GOTSHAL & MANGES LLP
	1540 Broadway, Ste. 1604		767 Fifth Avenue
	New York, NY 10036		New York, New York 10153-0119
	(212) 704-9600		(212) 310-8000
	Blake T. Hannafan (BH-7054)		Attorneys for Leo R. Breitman,
	Hannafan & Hannafan		Nathan Gantcher, David V.
	One East Wacker Drive, Ste. 1208		Harkins, Scott L. Jaeckel, Thomas
	Chicago, IL 60601		H. Lee, Ronald L. O'Kelley, and
	(312) 527-0055		Scott A. Schoen
	Attorneys for Tone N. Grant		
Ву:		By:	
	William Flemming		Janet Costello
	GAGE SPENCER & FLEMING, LLP		GIBBONS, P.C.
	410 Park Avenue		One Gateway Center
	New York, NY 10022		Newark, NJ 07102
	(212) 768-4900		973-596-4825
	Attorneys for John D. Agoglia and Peter J. McCarthy		Attorneys for Frank Mutterer
so (ORDERED, this day of	2008 ر	
By:			
	Gerard E. Lynch		
,	United States District Court Judge		

Ву:		By:	MIVE
•	Norman L. Eisen (NE-1198)	•	Greg A Danilow (GD-1621)
	Laura E. Neish (LN-0040)		Michael F. Walsh (MW-8000)
	ZUCKERMAN SPAEDER LLP		WEIL, GOTSHAL & MANGES LLP
	1540 Broadway, Ste. 1604		767 Fifth Avenue
	New York, NY 10036		New York, New York 10153-0119
	(212) 704-9600		(212) 310-8000
	Blake T. Hannafan (BH-7054)		Attorneys for Leo R. Breitman,
	Hannafan & Hannafan		Nathan Gantcher, David V.
	One East Wacker Drive, Ste. 1208		Harkins, Scott L. Jaeckel, Thomas
	Chicago, IL 60601		H. Lee, Ronald L. O'Kelley, and
	(312) 527-0055		Scott A. Schoen
	Attorneys for Tone N. Grant		
Ву:		By:	
	William Flemming		Janet Costello
	GAGE SPENCER & FLEMING, LLP		GIBBONS, P.C.
	410 Park Avenue		One Gateway Center
	New York, NY 10022		Newark, NJ 07102
	(212) 768-4900		973-596-4825
	Attorneys for John D. Agoglia and Peter J. McCarthy		Attorneys for Frank Mutterer
so c	ORDERED, this day of	, 2008	
By: _			
	Gerard E. Lynch		
Ţ	Jnited States District Court Judge		

ĎУ.		By:	
	Norman L. Eisen (NE-1198)	·	Greg A. Danilow (GD-1621)
	Laura E. Neish (LN-0040)		Michael F. Walsh (MW-8000)
	ZUCKERMAN SPAEDER LLP		WEIL, GOTSHAL & MANGES LLP
	1540 Broadway, Ste. 1604		767 Fifth Avenue
	New York, NY 10036		New York, New York 10153-0119
	(212) 704-9600		(212) 310-8000
	Blake T. Hannafan (BH-7054)		Attorneys for Leo R. Breitman,
	Hannafan & Hannafan		Nathan Gantcher, David V.
	One East Wacker Drive, Ste. 1208		Harkins, Scott L. Jaeckel, Thomas
	Chicago, IL 60601		H. Lee, Ronald L. O'Kelley, and
	(312) 527-0055		Scott A. Schoen
	Attorneys for Tone N. Grant		
By:		By:	
2 y.	William Flemming (WF-0411)	ωj.	Janet Costello
	GAGE SPENCER & FLEMING, LLP		GIBBONS, P.C.
	410 Park Avenue		One Gateway Center
	New York, NY 10022		Newark, NJ 07102
	(212) 768-4900		973-596-4825
	Attorneys for John D. Agoglia and Peter J. McCarthy		Attorneys for Frank Mutterer
so (ORDERED, this day of	. 2008	
		,	
By:	<u> </u>		
	Gerard E. Lynch		
τ	United States District Court Judge		

Greg A. Danilow (GD-1621)

767 Fifth Avenue

(212) 310-8000

Scott A. Schoen

GIBBONS, P.C. One Gateway Center

973-596-4825

Lawrence S. Lustberg

Newark, NJ 07102

Attorneys for Frank Mutterer

Michael F. Walsh (MW-8000)

Attorneys for Leo R. Breitman,

Harkins, Scott L. Jaeckel, Thomas

H. Lee, Ronald L. O'Kelley, and

Nathan Gantcher, David V.

WEIL, GOTSHAL & MANGES LLP

New York, New York 10153-0119

By: By: Norman L. Eisen (NE-1198) Laura E. Neish (LN-0040) ZUCKERMAN SPAEDER LLP 1540 Broadway, Ste. 1604 New York, NY 10036 (212) 704-9600 Blake T. Hannafan (BH-7054) HANNAFAN & HANNAFAN One East Wacker Drive, Ste. 1208 Chicago, IL 60601 (312) 527-0055 Attorneys for Tone N. Grant By: By: William Flemming GAGE SPENCER & FLEMING, LLP 410 Park Avenue New York, NY 10022 (212) 768-4900 Attorneys for John D. Agoglia and Peter J. McCarthy

__day of __

United States District Court Judge

SO ORDERED, this /